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Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

RITUAL ADORNMENTS, LLC,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE
COMPANY,

Defendant.

Civil No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to U.S.C. § 1332, 28 U.S.C. § 1441(b), and 28 U.S.C. § 1446, Defendant Massachusetts Bay Insurance Company files its Notice of Removal on the following grounds:

1. Massachusetts Bay Insurance Company has been named as the defendant in a civil action filed in the Circuit Court for the State of Oregon, for the County of Multnomah, entitled *Ritual Adornments, LLC v. Massachusetts Bay Insurance Company*, Circuit Court of

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the State of Oregon (Multnomah County), Case No. 18CV57012.

2. True copies of all of the process, pleadings, and orders in the state court lawsuit received by Defendant Massachusetts Bay Insurance Company to date (*i.e.*, the Summons and a copy of the Complaint and a copy of the Declaration of Service of the Summons and Complaint) are attached as Exhibit A.

3. This removal petition is being filed within 30 days of the filing and service of the Summons and Complaint. The state court action commenced when the Complaint was filed with the Clerk of the Oregon Circuit Court for Multnomah County, Oregon on or about December 14, 2018. *See* Exhibit A at p. 5. The Summons and Complaint were served on December 18, 2018. *See* Exhibit A at p. 1.

4. Complete diversity of citizenship exists between the plaintiff and the defendant, as this is a controversy between businesses that are incorporated in different states with their respective principal places of business in different states.

5. Defendant Massachusetts Bay Insurance Company was incorporated in the State of New Hampshire, and its principal place of business is in Worcester, Massachusetts. *See* Declaration of Dennis F. McCarthy filed herewith and incorporated herein as Exhibit B.

6. Plaintiff Ritual Adornments, LLC is an Oregon limited liability company. The citizenships of the members of that limited liability corporation are diverse from the citizenship of Massachusetts Bay Insurance Company. A true copy of an Amended Annual Report filed by Ritual Adornments, LLC and dated January 9, 2019 was obtained from the Corporation Division of the Office of the Oregon Secretary of State is attached hereto and incorporated herein as Exhibit C.

7. The above-entitled action is a civil action wherein Plaintiff Ritual Adornments, LLC asserts claims for money damages allegedly caused by a breach of an insurance contract and a breach of the implied covenant of good faith and fair dealing arising out of claims Plaintiff Ritual Adornments, LLC allegedly made under an insurance policy issued by Defendant Massachusetts Bay Insurance Company. Plaintiff Ritual Adornments, LLC alleges it sustained certain types of damages in an October 19, 2016 explosion and an October 21, 2016 theft at Plaintiff Ritual Adornments, LLC's place of business and during the subsequent investigation and adjustment of the insurance claim.

8. The amount in controversy in this matter exceeds \$75,000, exclusive of interests and costs. *See* Exhibit A at p. 8.

9. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1446(b).

10. Defendant Massachusetts Bay Insurance Company is concurrently filing a Notice of Removal to Federal Court with the Clerk of the Multnomah County Circuit Court in accordance with 28 U.S.C. § 1446(d).

DATED: January 16, 2019

BULLIVANT HOUSER BAILEY PC

By /s/ Stuart D. Jones

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Attorneys for Defendant Massachusetts Bay Insurance Company